

Claimant injured her neck and back while pulling a patient over in bed with her right arm. Claimant does not recall the exact date of the accident. She reported the incident to her supervisor on December 11, 1996. Claimant explained that she did not report the incident earlier because it initially went away in one or two days but then came back and began to get worse. When asked how long it was between the initial injury and the time

claimant told her supervisor, she indicated, "Maybe a couple of months. Several weeks." She also indicated that she was working on the days it started to become worse. Based upon the claimant's testimony, the Appeals Board finds that claimant initially did not give notice she was injured because she thought it would go away, did give notice within 75 days, and had just cause for not providing earlier notice.

The Appeals Board notes also respondent's counsel argues that the evidence does not support a finding that claimant is in need of additional medical treatment. This second issue is not a jurisdictional issue and is not subject to review by the Appeals Board at this stage of the proceedings. K.S.A. 44-551 and 44-534a, as amended.

WHEREFORE, the Appeals Board finds that the Order by Administrative Law Judge Floyd V. Palmer, dated November 6, 1997, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of January 1998.

BOARD MEMBER

c: Shauna L. Weiland, Pro Se
Stephen P. Doherty, Kansas City, KS
Floyd V. Palmer, Administrative Law Judge
Philip S. Harness, Director